

REMARKS

The Office Action dated April 20, 2006 has been carefully considered. In the Office Action, the Examiner presented a four-way restriction requirement between four different groups of claims.

Applicant herewith elects Group I claims, claims 1-12 drawn to a positioning guide with a pivot joint, with traverse for the reasons below.

The Examiner has cited MPEP § 806.06 in making the restriction requirement. It is also noted under that section that not only must the inventions be independent, but there also must "be a serious burden on the Examiner if restriction is not required." In the present case, Applicant believes that the present case does not make sense and that more than one group of claims should be reasonably examined in this patent application. Indeed, the Examiner has asserted the same class 451 to each of the different claims. Moreover, each of the different subclasses noted by the Examiner appear to be potentially applicable and would likely be searched by the Examiner in any event, regardless of the group selected. For example, note:

Subclass 360 "rotary tool supporter" applies to each of the invention groups;

Subclass 438 "to work guide" also would appear to apply to each invention group;

Subclass 439 "to the work" again would seem to apply equally to each of the different identified invention groups; and

Subclass 415 "attachment" also applies to each of the invention groups identified.

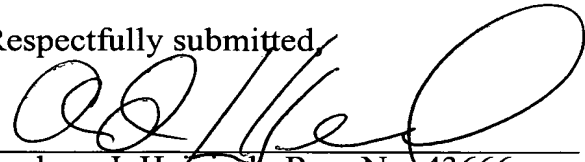
In short, Applicant believes that the Examiner has not properly identified separate classifications as the proper basis for restriction and therefore respectfully request that the restriction requirement be withdrawn.

In re Appln. Of: Edward Adkins et al.
Application No.: 10/825,708

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJH', is written over a horizontal line.

Andrew J. Heimsch, Reg. No. 43666
Reinhart Boerner Van Deuren P.C.
483 N. Mulford Road, Suite 7
Rockford, Illinois 61107
(815) 484-1900 (telephone)
(815) 484-1032 (facsimile)

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